

REMARKS

The Examiner is thanked for the thorough review and consideration of the present application. The final Office Action dated May 12, 2003 has been received and its content carefully reviewed. Applicants kindly acknowledge the allowance of claims 1-5 and 10-20.

By this Response, claims 8 and 9 have been amended. No new matter has been added. Claims 1-6 and 8-20 are pending in the application. Reconsideration and withdrawal of the rejection are requested based upon the above amendments and the following remarks.

In the Office Action, claims 6, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's alleged admitted prior art in view of U.S. Patent No. 4,295,711, issued to Tanaka et al ("Tanaka"). At the outset, Applicants make no admittance to prior art. Figures 1-4, which have been identified as "admitted prior art" by the Examiner, have been used by Applicants to provide Related Art descriptions. Applicants respectfully traverse the rejection because the Related Art and Tanaka, analyzed alone or in any combination, fail to teach or suggest the combined features recited in the claims of the present application. In particular, the Related Art and Tanaka fail to teach or suggest an in-plane switching mode liquid crystal display device having, among other features, "a plurality of common voltage lines for applying a common voltage to the thin film transistor array, wherein the common voltage lines provided in an outer area of the thin film transistor array are spaced from the thin film transistor by a distance greater than or equal to 1 mm", as recited in rejected, independent claim 6.

The Office Action concedes that the Related Art fails to explicitly disclose a display wherein the predetermined distance is greater than or equal to the values recited in claims 6, 8 and 9 of the present application. To compensate for the deficiencies of the Related Art the Office Action appears, first, to take official notice regarding the distances recited by making a broad statement concerning what may be found in the art, without providing documentary evidence.

Official Notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known (MPEP 2144.03(A)).

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In this case, the Examiner has stated that it “may be very likely that numerous conventional in-plane switching mode liquid crystal display devices comprising the above features were marketed in the United States more than one year prior to the claimed invention.” Thus, Applicants assert the Examiner’s statement demonstrates that the facts are not instant and unquestionable. As such, it is inappropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. Applicants respectfully request that the Examiner provide documentary evidence in support in any next Office Action maintaining such a rejection.

To further compensate for the deficient teachings of the Related Art, the Examiner relies upon the teachings of Tanaka. However, Tanaka merely discloses terminal structures applicable to a liquid crystal display which facilitate connection between a number of finely spaced lead electrodes and an external circuit. Thus, one of ordinary skill in the art would not be motivated by the teachings of Tanaka to modify the Related Art to obtain an in-plane switching (IPS) mode liquid crystal device having the combined features recited in claims 6, 8 and 9 and capable of, for example, preventing the deterioration of liquid crystal generated in the outer area of an IPS mode thin film transistor array, as disclosed in the specification of the present application. As such, claims 6, 8 and 9 are patentable over the Related Art and Tanaka. Reconsideration and withdrawal of the rejection are requested.

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. According, the Examiner is respectfully requested to pass this application to issue.

Dated: August 12, 2003

Respectfully submitted,

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